



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Vignina 22313-1450 www.uspio.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,024	03/30/2000	Steven G. Glassen	POU9-1999-0176-US1	7679
7	590 06/24/2003			
Blanche E Schiller Esq Heslin and Rothenberg P C 5 Columbia Circle			EXAMINER	
			KING, JUSTIN	
Albany, NY 1			ART UNIT	PAPER NUMBER
			2181	10
			DATE MAILED: 06/24/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Examiner	<u> </u>	Application No.	Applicant(s)				
Examiner Justin I. King —Th MAILING DATE of this communication appears on the over she twith the correspondence address— THE REPLY FILED 05 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a firm dependent on the property of th	Advison, Astion		1 ' '	N			
Justin L. King Justin	Auvisory Action			\ \			
THE REPLY FILED 05 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandomment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed dwind abandomment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed dwind abandomment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed dwind abandomment of this application. A proper reply to a final rejection under 37 CFR 1.114. **PERIOD FOR REPLY** [check either a) or (3) a timely filed Molecular than the main of the final rejection. The period for reply expires 3_months from the mailing date of the final rejection. The period for reply expires 3_months from the mailing date of the final rejection. Only CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP Detendance from the may be obtained under 37 CFR 1.13(a). The educe which he period may be obtained from (1) the expiration date of the schrained abandom on the corresponding enounted the final rejection. Only CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP Detendance filed in the date for purposes of determining the period of elements and the corresponding enounted the final rejection. See MFEP Determined the date of purposes of determining the period determined and the corresponding enounted the final rejection. Which were the same of the date of purposes of determining the period determined the final rejection, even if timely filed under 3 CFR 1.13(a) and the appoint of the schrain of the contract of the final rejection, even if timely filed any reduce any server period to the contract of the final rejection of the final rej							
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may put be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY [check either a) or b]	Th MAILING DATE of this communication ap	pears on the cover sheet wi	th th correspondence add	ress			
a) The period for reply expires 3_months from the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statustup period for reply expire later than \$IX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REFLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP Extensions of time may be obtained under 37 CFR 1.136(s). The date on which the period of the propriets extension for have been filted is the date for purposes of determining the period of indension and the corresponding amount of the fee. The appropriate extension fee have been filted is the date for purposes of determining the period of indension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.136(s) that date or which the period so the infall Office action or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the infall rejection, even if inney filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they are not deemed to place the application in better form for appeal by materially rejected claims. NOTE: 3 Applicant's reply has overcome the following rejection(s): 1 1 1 1 1 1 1	THE REPLY FILED 05 June 2003 FAILS TO PLACE Therefore, further action by the applicant is required to final rejection under 37 CFR 1.113 may only be either: condition for allowance; (2) a timely filed Notice of Application of the condition of t	THIS APPLICATION IN CO avoid abandonment of this (1) a timely filed amendment	ONDITION FOR ALLOWAN s application. A proper rep	NCE.			
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statulory period for reply expire later than SIX MONTHS from the maling date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REFLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 70.07(f). Total or (7) The period for reply expiration of reply expirated and replaced in the period of replaced in the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statulory period for reply originally set in the final Office action: or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any semend palent term adjustment. See 37 CFR 1.704(b). A Notice of Appeal was filed on	PERIOD FOR F	REPLY [check either a) or b))]				
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR.1.7.91 is calculated from (1) the expiration date of the shortened statutory period for reply roignally set in the final Office action; of (2) as set forth in (6) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any seamed patent term adjustment. See 37 CFR.1.704(b). 1	b) The period for reply expires on: (1) the mailing date of this A event, however, will the statutory period for reply expire later ONLY CHECK THIS BOX WHEN THE FIRST REPLY WA	dvisory Action, or (2) the date set for than SIX MONTHS from the mailing	g date of the final rejection.				
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2 ☐ The proposed amendment(s) will not be entered because: (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3 ☐ Applicant's reply has overcome the following rejection(s): 4 ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5 ☑ The a)☐ affidavit, b)☐ exhibit, or c)☑ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6 ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7 ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) rejected: Claim(s) withdrawn from consideration: 8 ☐ The proposed drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner. 9 ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	have been filed is the date for purposes of determining the period of extending ST CFR 1.17(a) is calculated from: (1) the expiration date of the shorten (b) above, if checked. Any reply received by the Office later than three numbers.	ension and the corresponding amou ed statutory period for reply original	unt of the fee. The appropriate extention or (ension fee under			
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.						
(b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3 ☐ Applicant's reply has overcome the following rejection(s): 4 ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6 ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7 ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) objected to: Claim(s) withdrawn from consideration: Sapproved or b) ☐ disapproved by the Examiner. 8 ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.	2. The proposed amendment(s) will not be entered	because:					
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. ☐ Applicant's reply has overcome the following rejection(s): 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. ☑ The a)☐ affidavit, b)☐ exhibit, or c)☑ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);						
issues for appeal; and/or (d)							
NOTE: 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) Ghank C. Ray	(c) they are not deemed to place the application issues for appeal; and/or	n in better form for appeal t	by materially reducing or si	implifying the			
3.	(d) they present additional claims without canceling a corresponding number of finally rejected claims.						
 4. □ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: Claim(s) withdrawn from consideration: The proposed drawing correction filed on is a) □ approved or b) □ disapproved by the Examiner. 9. □ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) GAGAL C. Ray 							
canceling the non-allowable claim(s). 5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □		· · · ——					
application in condition for allowance because: See Continuation Sheet . 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) Cdaut C. Ray	canceling the non-allowable claim(s).						
raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) Cddul C. Ray	5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request f application in condition for allowance because: S	or reconsideration has bee See Continuation Sheet.	n considered but does NO	T place the			
explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) Cybell C. Ray	6. The affidavit or exhibit will NOT be considered be raised by the Examiner in the final rejection.	ecause it is not directed SC	DLELY to issues which were	e newly			
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other:	7. For purposes of Appeal, the proposed amendmen explanation of how the new or amended claims v	nt(s) a)⊡ will not be entere would be rejected is provide	ed or b) will be entered a ed below or appended.	and an			
Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) Copal C. Ray	The status of the claim(s) is (or will be) as follows	S:					
Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other:	Claim(s) allowed:						
Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other:	Claim(s) objected to:						
8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other:	Claim(s) rejected:						
9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) Gobal C. Ray	Claim(s) withdrawn from consideration:						
10. Other: Gbal C. Ray	8. The proposed drawing correction filed on is	s a) approved or b)	disapproved by the Exami	ner.			
10. Other: Gbal C. Ray	☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)						
PRIMARY EXAMINER GROUP 2\$60			Gobal Gopal C. R Primary Exa	NAY MINER			



Continuation of 5. does NOT place the application in condition for allowance because: The 240 patent discloses obtaining measurement data from at least one component of the channel (claim 5, lines 43-48, processor's measurement data), which reads on the limitaiton "one or more components measurement data".